

## **BOROUGH OF TOTOWA**

### **MINUTES OF THE MAYOR AND COUNCIL**

**February 27, 2024**

**PRESENT:** Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo and Municipal Clerk Joseph Wassel.

**ABSENT:** Councilman Patrick Fierro, Councilman Sanders Reynoso and Municipal Attorney Kristin Corrado.

Mayor John Coiro called the meeting to order and asked the Municipal Clerk to call the roll.

Municipal Clerk Wassel recited the Prayer of the Meeting followed with the Pledge of Allegiance to the Flag with the public participating.

Mayor Coiro asked the Clerk to read the statement of the meeting.

Municipal Clerk Wassel read the following statement: This meeting of the Mayor and Council held on this day is being held in accordance with Chapter 231, P.L. 1975 of the State of New Jersey as amended. The agenda for this meeting has been prepared and distributed to the Mayor and Council and a copy has been on file in the Office of the Municipal Clerk.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to dispense with the regular order of business in order to hold a public hearing on Ordinance No. 05-2024 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel announced that Ordinance No. 05-2024 has been advertised for public hearing for Tuesday, February 27, 2024.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 05-2024.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 05-2024.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 05-2024 by title:

**ORDINANCE NO. 05-2024**

**A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$1,931,000  
FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS TO BE  
UNDERTAKEN BY THE BOROUGH OF TOTOWA**

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to adopt Ordinance No. 05-2024 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Picarelli to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

There were no reports.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman Picarelli, seconded by Councilman Bucher to approve the Minutes of the Mayor and Council for the meeting of February 13, 2024. On roll call vote, all members of the Council present voted in the affirmative. Councilman D’Angelo abstained from the voting.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D’Angelo to approve Resolution No. 2024-05 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman D’Angelo to adopt the following resolution authorizing the Treasurer to issue refunds to various property owners due to overpayment of 1<sup>st</sup> Quarter 2024 taxes. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION

WHEREAS, there has been an overpayment of 1st quarter 2024 taxes on the property listed below; and

WHEREAS, the taxpayer is entitled to a refund; and

WHEREAS, the chart sets forth the refund as follows:

Block	Lot	Property Owner	Payable To:	Overpayment
9	53	15 Dey Hill Trail Wayne Miles & Sharonjeet Kalsi	Corelogic Attn:Refund Dept. PO Box 9202 Coppell, TX 75019-9760	\$4,363.37

127	10	9 Crescent Ave Jules Rodriguez	Corelogic Attn:Refund Dept. PO Box 9202 Coppell, TX 75019-9760	\$ 952.93
150	35	25 Meadow Dr Casey Kabana	Casey Kabana 25 Meadow Dr Totowa, NJ 07512	\$1,906.42
164	6	12 Thistle Ct Drusiana Gaizo	Lereta LLC Attn:Refund Dept. PO Box 35605 Dallas, TX 75235	\$1,682.97

NOW, THEREFORE, BE IT RESOLVED, that the overpayment shall be refunded to the taxpayer, as stated above, and the Treasurer is authorized to issue separate checks for the refunds, which shall be paid to the stated property or taxing authority.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following resolution authorizing the Treasurer to issue a tax refund for 1<sup>st</sup> Quarter 2024 for Jose Ochoa, 693 Riverview Drive, Block 173, Lot 11 due to a 100% Exemption for a 100% permanent and total disability. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION

WHEREAS, Jose Ochoa, 693 Riverview Drive, Block 173, Lot 11 has applied for a 100% exemption for a 100% permanent and total disability due to a wartime service connected disability; and

WHEREAS, he meets all the requirements for the exemption; and

WHEREAS, the 100% disability became effective on December 1, 2023, and he applied for exemption on January 10, 2024; and

WHEREAS, Corelogic paid the property taxes from January 10, 2024 to March 31, 2024 in the amount of \$2,397.06, and is now entitled to a refund of \$2,397.06.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that the Treasurer is authorized to refund \$2,397.06 to Corelogic and upon paying the refund due to the Taxpayer, this property will be exempted from future tax payments.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Appointing Special Tax Appeal Counsel And Authorizing The Filing Of Reverse Tax Appeals. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 42-2024

RESOLUTION APPOINTING SPECIAL TAX APPEAL COUNSEL AND  
AUTHORIZING THE FILING OF REVERSE TAX APPEALS

WHEREAS, the Borough of Totowa requires the services of an attorney to represent the Borough of Totowa as Special Tax Appeal Counsel for the purpose of handling certain reverse real estate tax appeals; and

WHEREAS, the professional services to be provided by Special Tax Appeal Counsel include but are not limited to reviewing all property classes, making appeal recommendations for properties that are substantially under-assessed, and performing all professional services necessary for filing reverse tax appeals which are designed to accurately and equitably apportion the real estate tax burden among the existing properties within the Borough of Totowa; and

WHEREAS, the professional legal services shall be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the term of this contract shall commence on the date of this Resolution and terminate on December 31, 2024; and

WHEREAS, Special Tax Appeal Counsel shall be entitled to compensation on a contingent fee basis if any increase in assessment occurs as a result of the reverse tax appeal; and

WHEREAS, Special Tax Appeal Counsel shall be responsible for all fees and costs associated with the filing and prosecuting any reverse tax appeal; and

WHEREAS, the value of services to be provided by Special Tax Appeal Counsel under its' contingent-fee arrangement may exceed the value of \$17,500.00; and

WHEREAS, Charles E. Blau, Esq., Blau & Blau, Attorneys at Law, 223 Mountain Avenue, Springfield, New Jersey 07801, is an attorney licensed to practice law in the State of New Jersey; and

WHEREAS, Charles E. Blau, Esq. shall be required to complete and submit a Business Entity Disclosure Certificate which certifies that Blau & Blau, Attorneys at Law, have not made any reportable contributions to a political or candidate committee in the Borough of Totowa in the previous one year, and that the contract will prohibit Blau & Blau, Attorneys at Law from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into a contract with Charles E. Blau, Esq., Blau & Blau, Attorneys at Law, to serve as the Borough of Totowa Special Tax Appeal Counsel and provide professional legal services.

BE IT FURTHER RESOLVED, that the Municipal Council of the Borough of Totowa does hereby authorize the Mayor and Municipal Clerk to execute any and all necessary instruments relating thereto.

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution.

BE IT FURTHER RESOLVED, that no appropriation of funds is required at this time with payment to Special Tax Appeal Counsel coming from the proceeds of any successful tax appeals.

COMMITTEE ON PUBLIC SAFETY:

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following Resolution Approving Participation With The State Of New Jersey Federal Grant Program Under The FY2024 Safe And Secure Communities Program Administered By The New Jersey Department Of Law And Public Safety, Office Of The Attorney General And To Accept The Grant Funding. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 43-2024

RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY  
FEDERAL GRANT PROGRAM UNDER THE FY2024 SAFE AND SECURE  
COMMUNITIES PROGRAM ADMINISTERED BY THE NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY  
GENERAL AND TO ACCEPT THE GRANT FUNDING

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for funding of approximately \$45,150 with a match of \$461,690 for an approximate project total cost of \$506,840 for a project under the State of New Jersey Safe and Secure Communities Program Grant # 24-1612 for the period of 01/25/2024 to 01/24/2025; and

WHEREAS, the Mayor and Council of the Borough of Totowa has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the New Jersey Department of Law and Public Safety, Office of the Attorney General and the Borough of Totowa, for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Totowa that:

- 1) As a matter of public policy, the Mayor and Council of the Borough of Totowa wishes to participate to the fullest extent possible with the New Jersey Department of Law and Public Safety, Office of the Attorney General and to accept the grant funding in the amount of \$45,150.
- 2) The New Jersey Department of Law and Public Safety, Office of the Attorney General shall receive funds on behalf of the applicant.
- 3) The New Jersey Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds.
- 4) The New Jersey Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to the applicant as authorized by law.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following Resolution Authorizing The Submission Of A Strategic Plan For The Totowa Municipal Drug Alliance Fiscal Year 2025 Grant Cycle July 1, 2024 To June 30, 2025. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 44-2024

RESOLUTION AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN  
FOR THE TOTOWA MUNICIPAL DRUG ALLIANCE FISCAL YEAR 2025  
GRANT CYCLE JULY 1, 2024 TO JUNE 30, 2025

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Mayor and Council of the Borough of Totowa further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mayor and Council of the Borough of Totowa has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Passaic.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, County of Passaic, State of New Jersey hereby recognizes the following:

1. The Mayor and Council of the Borough of Totowa do hereby authorize submission of a strategic plan for the Totowa Municipal Drug Alliance grant for the period of July 1, 2024 to June 30, 2025 (FY2025) in the amount of:

GCADA GRANT	\$8,277.00
Cash Match	\$2,069.25
In-Kind	\$6,207.75

2. The Mayor and Council of the Borough of Totowa acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to adopt the following Resolution Authorizing The Purchase And Installation Of Radios For The New Chevrolet Tahoe Patrol Vehicles For The Borough Of Totowa Police Department. On roll call vote, all members of the Council present voted in the affirmative.



RESOLUTION NO. 45-2024

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF RADIOS  
FOR THE NEW CHEVROLET TAHOE PATROL VEHICLES FOR  
THE BOROUGH OF TOTOWA POLICE DEPARTMENT

WHEREAS, by Resolution No. 35-2024 dated February 13, 2024, the Mayor and Council of the Borough of Totowa authorized the purchase and delivery of two Chevrolet Tahoe Patrol Vehicles for the Borough of Totowa Police Department; and

WHEREAS, the Borough of Totowa Police Chief has requested the purchase and delivery of new radios that will be used for the new Police Department vehicles; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is a need for this equipment which will enable Totowa's Patrol Officers to perform their duties; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to authorize the purchase and delivery of new radios for the Borough of Totowa Police Department; and

WHEREAS, Morris County Cooperative Pricing Council Contract No. 41 has been awarded to Northeast Communications, 244 East Union Turnpike, Wharton, New Jersey 07885 for the purchase and delivery of new radios; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of and delivery of this equipment may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and delivery of new radios and all related equipment for the Borough of Totowa Police Department from Northeast Communications in the amount of \$7,781.08.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk and Police Chief to execute any and all instruments relating thereto.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve payment of an additional contribution to the Borough Of Totowa First Aid Squad, Inc. in the amount of \$15,946.00 for their 2023 TSAP. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to add the following item to the agenda. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilman Capo to approve a fireman's application, the purchase of fireman's equipment and authorize a fireman's physical for Travis A. Leech for Volunteer Fire Company No. 1. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilman D'Angelo to acknowledge receipt of the bids for the Purchase And Delivery Of Fire Hydrants. On roll call vote, all members of the Council present voted in the affirmative.

Upon the recommendation of the Committee, there was a motion by Councilman Bucher, seconded by Councilman D'Angelo to adopt the following resolution to reject the bids and authorize the re-bidding for the Purchase And Delivery Of Fire Hydrants. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 46-2024

#### RESOLUTION REJECTING BIDS FOR THE PURCHASE AND DELIVERY OF FIRE HYDRANTS

WHEREAS, the Borough of Totowa Department of Public Works ("DPW") Superintendent has recommended that fire hydrants be purchased as needed on an annual basis; and

WHEREAS, the Borough of Totowa DPW will be responsible for installing all new fire hydrants; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that there is an on-going need for this equipment for the safety and well-being of the residents of the municipality; and

WHEREAS, the Mayor and Council of the Borough of Totowa did advertise for receipt of sealed bids in accordance with the specifications entitled "Specifications for the Purchase and Delivery of Fire Hydrants for the Borough of Totowa, County of Passaic, New Jersey, 2024"; and

WHEREAS, the Borough of Totowa did receive sealed bids at its Municipal Building on February 22, 2024; and

WHEREAS, three bids were received for the purchase and delivery of the specified fire hydrants, copies of which are on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the apparent low bid submitted by Brent Material Company, 325 Columbia Turnpike, Suite 308, Florham Park, New Jersey 07932 failed to include the required Manufacturer's Warranty; the second bid submitted by Capitol Supply Construction Products, Inc., 149 Old Turnpike Road, Wayne, New Jersey 07470 failed to provide delivery times for the specified fire hydrants; and the third bid submitted by Ferguson Waterworks, 69-96 Barclay Street, Paterson, New Jersey 07503 exceeded the cost estimates for the specified fire hydrants; and

WHEREAS, the Mayor and Council of the Borough of Totowa have determined that the three bids submitted for the purchase and delivery of fire hydrants for the Borough of Totowa should be rejected.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby reject the three bids received for the purchase and delivery of fire hydrants for the Borough of Totowa for the aforementioned reasons and authorize the public rebidding of this equipment.

#### COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

A letter was received from Murph's Tavern inviting the Mayor and Council to attend their annual celebration in honor of St. Patrick's Day on Sunday, March 17, 2024 and requesting permission to have Rosengren Avenue closed from Totowa Road to Union Boulevard on Saturday, March 16, 2024 and Sunday, March 17, 2024. There was a motion by Councilman Capo, seconded by Councilman Picarelli to approve the request. On roll call vote, all members of the Council present voted in the affirmative.

## STREET CLOSING AUTHORIZED BY THE MAYOR

Under the authority vested in me as Mayor of the Borough of Totowa, County of Passaic, State of New Jersey, by virtue of N.J.S.A. 40:67-16.9 and the Code of the Borough of Totowa Chapter No. 398-42, I, Mayor John Coiro, do hereby order and direct that Rosengren Avenue between Totowa Road and Union Boulevard be closed to vehicular traffic on Saturday, March 16, 2024 and Sunday, March 17, 2024.

I further direct that proper signs and barriers be erected at the intersections of Rosengren Avenue and Totowa Road and Rosengren Avenue and Union Boulevard and that the Totowa Police Department control and regulate, as well as enforce, this regulation.

There was a motion by Councilman Capó, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Application To The Passaic County Community Development Block Grant Program For FY2024. On roll call vote, all members of the Council present voted in the affirmative.

### RESOLUTION NO. 47-2024

#### RESOLUTION AUTHORIZING APPLICATION TO THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FY2024

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for funding from the Passaic County Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa authorizes the application for and use of requested funds in the amount of \$676,280.00 from the Passaic County Community Development Block Grant (CDBG) Program for the Sanitary Sewer Force Main Cleaning and Lining (Priority 1).

BE IT FURTHER RESOLVED, that if awarded, the Mayor and Council of the Borough of Totowa shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

BE IT FURTHER RESOLVED, the Mayor and Council of the Borough of Totowa agrees that if CDBG funds are determined by the US Department of Housing and Urban Development to be expended on ineligible program costs or do not meet a national objective, the Borough of Totowa agrees to repay the proportion deemed ineligible from non-federal sources.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to add the following item to the agenda. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to adopt the following Resolution Authorizing The Application To The Passaic County Community Development Block Grant Program For FY2024. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 48-2024

#### RESOLUTION AUTHORIZING APPLICATION TO THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FY2024

WHEREAS, the Mayor and Council of the Borough of Totowa wishes to apply for funding from the Passaic County Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa authorizes the application for and use of requested funds in the amount of \$595,188.00 from the Passaic County Community Development Block Grant (CDBG) Program for the rehabilitation of the Borough's Sanitary Sewer Main on Washington Place from Totowa Road to Redman Street (Priority 2).

BE IT FURTHER RESOLVED, that if awarded, the Mayor and Council of the Borough of Totowa shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

BE IT FURTHER RESOLVED, the Mayor and Council of the Borough of Totowa agrees that if CDBG funds are determined by the US Department of Housing and Urban Development to be expended on ineligible program costs or do not meet a national objective, the Borough of Totowa agrees to repay the proportion deemed ineligible from non-federal sources.

There was a motion by Councilman Capo, seconded by Councilman Picarelli to adopt the following Resolution In Support Of The Federal Fair Housing Law And New Jersey Law Against Discrimination. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 49-2024

RESOLUTION IN SUPPORT OF THE FEDERAL FAIR HOUSING LAW AND  
NEW JERSEY LAW AGAINST DISCRIMINATION

WHEREAS, the Borough of Totowa supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination; and

WHEREAS, it is the policy of the Borough of Totowa to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8); and

WHEREAS, the Borough of Totowa further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby support Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination as follows:

1. Within available resources, the Borough of Totowa will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

2. The Borough of Totowa shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

3. The Borough of Totowa will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

A letter was received from the Passaic Valley Sewerage Commission along with a check in the amount of \$8,194.15 for the Municipal Rebate Incentive Program. There was a motion by Councilman Capo, seconded by Councilman Picarelli to accept the funds. On roll call vote, all members of the Council present voted in the affirmative.

#### COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilman Bucher, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing The Borough Of Totowa To Apply For A New Jersey Department Of Community Affairs (DCA) – Local Recreation Improvement Grant (LRIG) Program FY24. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 50-2024

WHEREAS, the Borough of Totowa desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000.00 to carry out a project to install a new safety surface at Floyd Park in Totowa, NJ.

BE IT THEREFORE RESOLVED,

- 1) That the Borough of Totowa does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between Borough of Totowa and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

John Coiro  
Mayor

Joseph Wassel  
Municipal Clerk

There was a motion by Councilman Bucher, seconded by Councilman D'Angelo to adopt the following Resolution Authorizing Contract For Geese Control Services For 2024. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 51-2024

RESOLUTION AUTHORIZING CONTRACT FOR  
GEESE CONTROL SERVICES FOR 2024

WHEREAS, the Borough of Totowa Board of Recreation has recommended that the Borough of Totowa hire a qualified company to provide safe and effective geese clearing and control services at all of the Borough of Totowa recreational ball fields; and

WHEREAS, the Mayor and Council of the Borough of Totowa have also determined that there is a need to retain a company that can provide these services to ensure the health and well-being of the residents of the Borough of Totowa; and

WHEREAS, the Borough of Totowa has solicited quotes for the necessary geese clearing services for all of the Borough of Totowa recreational fields as well as Washington Park School and the Municipal Complex; and

WHEREAS, Geese Chasers North Jersey LLC, P.O. Box 282, Great Meadows, New Jersey 07838 submitted a proposal dated February 19, 2024 to clear and maintain a virtually geese-free environment with the use of working border collies, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, Geese Chasers North Jersey LLC will provide these services to the Borough of Totowa on an as needed basis for a term not to exceed a period of one (1) year; and

WHEREAS, pursuant to the applicable New Jersey State laws, the contract for these services may be authorized without public bidding since the total contract price will not exceed the public bidding threshold.



NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize a contract with Geese Chasers North Jersey LLC for all necessary geese control and clearing services in accordance with the fee schedule set forth in their proposal.

BE IT FURTHER RESOLVED, that the Municipal Council of the Borough of Totowa does hereby authorize the Mayor and Municipal Clerk to execute any and all instruments relating thereto.

#### COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the Academy of St. James of the Marches to be held on April 12, 2024 from 6:00 p.m. – 10:00 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve the Application For Extension of Premises Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for Anthony Murphy, Inc. on Saturday, March 16, 2024 and Sunday, March 17, 2024. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Opposing Assembly Bill No. 4/Senate Bill No. 50 Which Proposes To Overhaul The Fair Housing Act ("FHA") In A Way That Imposes Unrealistic Obligations With Unrealistic Deadlines Based Upon Onerous Standards. On roll call vote, all members of the Council present voted in the affirmative.

#### RESOLUTION NO. 52-2024

RESOLUTION OF THE BOROUGH OF TOTOWA, COUNTY OF  
PASSAIC, OPPOSING ASSEMBLY BILL NO. 4/SENATE BILL NO. 50,  
WHICH PROPOSES TO OVERHALL THE FAIR HOUSING ACT ("FHA")  
IN A WAY THAT IMPOSES UNREALISTIC OBLIGATIONS WITH  
UNREALISTIC DEADLINES BASED UPON ONEROUS STANDARDS

Mount Laurel II

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

WHEREAS, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 (“FHA”); and

#### The Fair Housing Act of 1985

WHEREAS, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

WHEREAS, more specifically, the FHA sought to restore home rule by imposing a moratorium on the builder’s remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder’s remedies to try to compel them to capitulate their zoning demands; and

WHEREAS, the FHA sought to bring the fair share numbers back to reality by among other things defining the prospective need as the need “based on development and growth which is reasonably likely to occur” and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

WHEREAS, the FHA sought to reduce the burdens on municipalities by prohibiting any requirement for municipalities to expend their own resources to comply; and

#### The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred “primary jurisdiction” on COAH to administer the FHA and to implement the affordable housing policies of our State; and

WHEREAS, all acknowledge -- even Fair Share Housing Center (“FSHC”) -- that COAH functioned just fine in Rounds 1 and 2; and

WHEREAS, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations in October of 2014; and

#### Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH’s failure to adopt valid regulations; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job and made no effort to cure the roadblock when it voted 3-3 on the third iteration of Round 3 regulations; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing matters; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that, in a best case scenario, the State could only absorb less than 40,000 affordable units in a ten year period and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

WHEREAS, the trial judge, having been constrained by the Supreme Court to use the formula for Round 2 that COAH adopted in 1994, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

#### The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3; and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, many of those Round 3 settlements will result in development during the Round 4 period; and

WHEREAS, consequently, many of the 211,000 COs anticipated in Round 4 will come from ordinances adopted to satisfy a Round 3 obligation, leaving far fewer units that could contribute to an additional Round 4 responsibilities; and

WHEREAS, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

#### A-4/S-50

WHEREAS, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the perception that the Legislature designed the process to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as troubling as it was real; and

WHEREAS, consequently, the Legislature did not ram the bill through in the lame duck session as had been announced; and

WHEREAS, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

WHEREAS, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

WHEREAS, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

WHEREAS, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process their significance and comment on them; and

WHEREAS, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

WHEREAS, the Assembly adopted the Bill on February 12, 2024 with the changes rattled off at the February 8, 2024 Appropriations Committee hearing of the Assembly; and

WHEREAS, despite elimination of just some of the gross excesses of the prior version of the bill, the Bill the Committee adopted on February 12, 2024 is still severely flawed; and

WHEREAS, the Bill still creates a judicial entity made up of 3-7 retired Mount Laurel judges called “The Program”, which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the Bill still does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH’s response to their comments; and

WHEREAS, as detailed below, the bill creates a patently unreasonable responsibility on municipalities by imposing an obligation on them to create a realistic opportunity for satisfaction of a fair share that is itself unrealistic; and

WHEREAS, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

WHEREAS, the current version still calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

WHEREAS, the statewide need number has been calculated to be 84,690 based upon the formula set forth in the bill; and

WHEREAS, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 apply in Round 4; and

WHEREAS, an estimate of the obligation for each municipality can be made if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

WHEREAS, the estimates of the fair share obligations the Bill would generate for Round 4 have been widely distributed and all have had the opportunity to review the estimates and offer any corrections; and

WHEREAS, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has reviewed and commented on our rough estimates set forth above that were generated in a very short period of time; and

WHEREAS, to the contrary, the Executive Director of Fair Share Housing Center, Inc. testified that he did not have a calculation of the fair share numbers; and

WHEREAS, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and

WHEREAS, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair share number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, this mathematical error conceptually may have existed at COAH; however, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and

WHEREAS, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

WHEREAS, at least one witness at the Committee hearings have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

WHEREAS, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

WHEREAS, the Bill requires municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and

WHEREAS, efforts have also been made to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing market will determine the number of market units that can reasonably be anticipated and since there must be a sufficient market for the four market units to generate the one affordable unit under a traditional inclusionary ordinance; and

WHEREAS, the Legislature has not furnished a market study in response to the repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

WHEREAS, as explained below, the bill dilutes the protections to which a municipality is currently entitled; and

WHEREAS, while the Supreme Court established standards to preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not require proof that the municipality is "determined to be constitutionally noncompliant" to warrant stripping the municipality of immunity; and

WHEREAS, the Bill subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

WHEREAS, more specifically, the Bill provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

WHEREAS, the Bill suffers from a myriad of additional flaws; and

WHEREAS, for example, a municipality would have a right to rely on the fair share number that COAH provides under prior laws, under the new bill, a municipality would only have a presumption of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption through litigation; and

WHEREAS, the Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus; and



WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be “onerous”; the Bill applies the 1,000-unit cap only to a component of the municipality’s fair share -- the prospective need – and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the Bill creates unfair requirements when a municipality secures a Vacant Land Adjustment in that it requires a land-poor municipality to create a realistic opportunity for satisfaction of 25 percent of its unmet need or to “demonstrate why” it is unable to do so; and

WHEREAS, the Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

WHEREAS, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

WHEREAS, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

1. The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;
2. The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;
3. The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on municipalities to create a realistic opportunity for a fair share that far exceeds any number a municipality can realistically achieve through inclusionary zoning; and

WHEREAS, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

WHEREAS, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current Version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Mayor and Council of the Borough of Totowa objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Borough of Totowa is hereby directed to forward a certified copy of this resolution immediately to Governor Phil Murphy, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, the sponsors of the Bill in the Senate and in the Assembly, and to the Legislators in the State Assembly and Senate representing our District immediately.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Raffle License Application Nos. 2369 & 2370 for Passaic Valley High School Operation Graduation 2024 for a Tricky Tray and On-Premise 50/50 to be held on April 18, 2024 at the Elks Lodge. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Raffle License Application Nos. 2371 & 2372 for the Academy of St. James of the Marches for a Tricky Tray and On-Premise 50/50 to be held on April 12, 2024. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Raffle License Application No. 2373 for the Passaic Valley Elks BPOE #2111 for an Off-Premise Merchandise to be held on April 29, 2024. On roll call vote, all members of the Council present voted in the affirmative.

There being no further business to come before the Council, there was a motion by Councilman D'Angelo, seconded by Councilman Picarelli that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

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Joseph Wassel, RMC  
Municipal Clerk